

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
RICHMOND DIVISION**

In re:

Chapter 11

CIRCUIT CITY STORES, INC.,  
et al.,

Case No.: 08-35653-KRH

Debtors.

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**RESPONSE TO OBJECTION TO PROOF OF CLAIM NUMBER 5300**

NOW COMES Walter E Hartman & Sally J Hartman, as Trustees of the Hartman 1995 Ohio Property ("Hartman") by counsel, and files its Response to the Debtor's Objection to Hartman's Proof of Claim number 5300 and states as follows:

- 1) Hartman is landlord of certain property located at the Royal Point Shopping Center, Hamilton Counts, City of Cincinnati Ohio.
- 2) The Debtor failed to pay the post petition rent for the period of November 11, 2008 to November 30, 2008 plus the real estate taxes for the period of November 11, 2008 through December 31, 2008. The Proof of Claim with the detail breakdown is hereby incorporated by reference.
- 3) Hartman filed Proof of Claim number 5300 for these post petition administrative expenses.
- 4) The Proof of Claim was filed as an administrative claim.
- 5) The Debtor objects to the claim stating that it is a secured claim and requests that said claim be allowed as an unsecured claim.
- 6) The Claim was filed as an administrative claim, not a secured claim. These post

petition rent and taxes have not been paid and are due and owing.

- 7) Lease will be provided upon request. Attached is a copy of the Real Estate tax bill.

Attached is a copy of the Page 2 of the Debtor's Objection.

- 8) Notice Address:


c/o Steven L. Brown, Esquire  
Wolcott Rivers Gates  
Convergence Center IV  
301 Bendix Road, Suite 500  
Virginia Beach, VA 23452  
Telephone no.: (757) 497-6633  
Fax no.: (757) 497-7267

- 9) I hereby declare that I have personal knowledge of the relevant facts that support this Response.

  
Carol Smith  
c/o Taft Electric Company  
P.O. Box 3416  
Ventura, CA 963006  
Telephone No.: 805-654-7945  
Fax no.: 805-676-7534

WHEREFORE Walter E. Hartman & Sally J. Hartman, as Trustees of the Hartman 1995 Ohio Property, Inc. respectfully requests that this Court enter an Order to overrule the Debtor's Objection to Proof of Claim number 5300 and for other relief as necessary.

Date: July 14, 2009

  
Steven L. Brown, Esquire  
Convergence Center IV  
300 Bendix Road, Suite 500  
Virginia Beach, VA 23452  
(757) 497-6633  
Virginia State Bar No. 23740  
Counsel for Walter E Hartman & Sally J Hartman,  
as Trustees of the Hartman 1995 Ohio Property, Inc.

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing was deposited in the United States mail, first class, postage prepaid, on this 14<sup>th</sup> day of July, 2009 and addressed to:

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